

Atty Dkt. LA65129

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Sanders, Kriellion
Wehner et al.)	
	:	Group Art Unit: 1796
Application No.: 10/537,331)	
	:	Confirmation No.: 8405
Filed: February 6, 2005)	
	:	
For: MONOSUBSTITUTED 6-AMINO-)	
URACILS FOR THE STABILIZATION	:	
OF HALOGENATED POLYMERS)	August 18, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.182
REQUEST TO TRANSFER MISFILED RESPONSE

Dear Sir:

Applicants hereby petition the Commissioner to transfer the Amendment/Response filed on April 17, 2008 in Application No. 10/537,334 to the subject application, Serial No. 10/537,331.

On January 25, 2008, an Office Action was issued in the subject application.

On April 17, 2008, Applicants representative, Dan Reitenbach, filed an Amendment/Response and a Petition for Extension of Time responding to the Office Action. Due to a clerical error without deceptive intent, the caption of the Amendment/Response inadvertently referenced Application No. 10/537,334 instead of Application No. 10/537,331. A copy of the Amendment/Response, date stamped by the USPTO on April 17, 2008, was obtained by the undersigned through Public PAIR (from the file of Application No. 10/537,334) and is included herewith as Exhibit A.

The error in the April 17, 2008 Amendment/Response is patently apparent on its face. The PCT Application number (PCT/EP2003/012921) in the caption corresponds to

the present application. In fact, all of the identifying information in the caption corresponds to the present application, except for the serial number. For example, the caption on the Amendment/Response, for example, references Attorney Docket No., LA65129, which is the attorney docket number employed in Application No. 10/537,331, but not for Application No. 10/537,334, which references Attorney Docket No. PLA077-825508. Further, the title on the Amendment/Response, "Monosubstituted 6-Aminouracils for the Stabilization of Halogenated Polymers" matches the title for Application No. 10/537,331, but not for Application No. 10/537,334, which is entitled "Digital Imaging Method and Apparatus for Mammography." In addition, it is clear that the Amendment/Response was misfiled because the applicants for Application No. 10/537,334 subsequently filed a response on May 15, 2008, and the Examiner issued an Office Action on August 13, 2008 without identifying the misfiled Amendment/Response.

On August 18, 2008, Applicants' representatives learned of the misfiled Amendment/Response in a telephone call received from Examiner Sanders, in which Examiner Sanders indicated that no response had been received in the subject application and inquiring as to whether the application was to be abandoned.

On August 18, 2008, Applicants' representative also spoke with Primary Examiner Harold Pyon, who recommended filing the subject petition to remedy this error.

For the foregoing reasons, Applicants respectfully request that the April 17, 2008 Amendment/Response, currently on file in Application No. 10/537,334, be transferred to and timely accepted in Application No. 10/537,331.

The Commissioner is hereby authorized to charge \$400 for this petition and any additional fee which may be required in connection with this paper to Deposit Account No. 50-1710.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3858. All correspondence should continue to be directed to the below-listed address.

Respectfully Submitted,

/Justin L. Krieger/

Justin L. Krieger

Reg. No. 47,719

Attorney for Applicants

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Please continue to direct correspondence to:

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EXHIBIT A

04-18-08

Attorney Docket No. LA65129

IFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Wehner et al..

EXAMINER: Sanders, Kriellion

SERIAL NO.: 10/537,334

ART UNIT: 1796

FILED: 06/02/2005

DATED: April 16, 2008

INTERNATIONAL APPLN. NO.: PCT/EP2003/012921

INTERNATIONAL FILING DATE: 19 November 2003

PRIORITY DATE CLAIMED: 2 December 2002

FOR: MONOSUBSTITUTED 6-AMINOURACILS FOR THE STABILIZATION
OF HALOGENATED POLYMERS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT/RESPONSE

Sir:

In complete response to the Office Action mailed on January 10, 2008, reconsideration of the above-identified application is respectfully requested as set forth below. A petition and fee in accordance with 37 C.F.R. §1.136(a), extending the due date for the present response to May 10, 2008, are attached.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

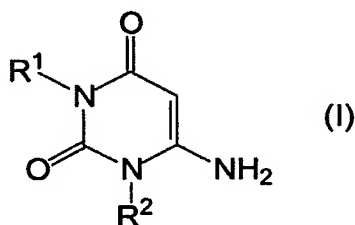
Remarks/Arguments begin on page 6 of this paper.

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claims 1 – 26 (Canceled)

27. (Currently Amended) A composition comprising a chlorinated polymer and at least one monosubstituted 6-aminouracil of the formula I



wherein

one of R^1 or R^2 is linear or branched C_3 - C_{22} -alkyl, unsubstituted or C_1 - C_4 -alkyl/alkoxy- and/or hydroxyl-substituted phenyl, unsubstituted or C_1 - C_4 -alkyl/alkoxy- and/or hydroxyl-substituted phenyl C_1 - C_4 -alkyl, linear or branched C_3 - C_{18} -alkenyl, C_3 - C_8 -cycloalkyl, C_3 - C_{10} -alkyl interrupted by at least 1 oxygen atom, or C_3 - C_{10} -hydroxyalkyl or acetoxy/benzyloxy- C_2 - C_{10} -alkyl and one of R^1 or R^2 is hydrogen, ~~and excluding R^1 and R^2 simultaneously C_2 - C_4 -alkyl.~~

28. (Currently Amended) The composition as claimed in claim 27, wherein one of R^1 or R^2 is phenyl, C_1 - C_4 -alkylphenyl, benzyl, 2-phenethyl, allyl or C_3 - C_{10} -alkyl interrupted by oxygen atom, preferably as R^1 substituents.

29. (Currently Amended) The composition as claimed in claim 27, wherein one of R¹ or R² is C₃-C₁₂-alkyl, C₅-C₆-cycloalkyl or allyl, preferably as R¹ substituents.

30. (Currently Amended) The composition as claimed in claim 29, wherein one of R¹ or R² is C₃-C₈-alkyl, cycloalkyl or allyl, preferably as R¹ substituents.

31. (Currently Amended) The composition as claimed in claim 27, wherein one of R¹ or R² is phenyl, C₁-C₄-allylphenyl, benzyl, 2-phenethyl, allyl or C₃-C₁₀-alkyl interrupted by oxygen atom.

32. (Currently Amended) The composition as claimed in claim 27, wherein one of R¹ or R² is C₃-C₁₂-alkyl, C₅-C₆-cycloalkyl or allyl.

33. (Currently Amended) The composition as claimed in claim 29, wherein one of R¹ or R² is C₃-C₈-alkyl, cyclohexyl or allyl.

34. (Previously Presented) The composition as claimed in claim 27, comprising a compound of the formula I and further at least one pyrrole compound or a disubstituted aminouracil analogous to the formula I with the same definitions for the radicals R¹ and R², with R¹ and R² in each case not being hydrogen.

35. (Previously Presented) The composition as claimed in claim 27, further comprising at least one epoxidized fatty acid ester.

36. (Previously Presented) The composition as claimed in claim 27, further comprising at least one zinc carboxylate or alkali metal carboxylate or alkaline earth metal carboxylate or aluminum carboxylate or combinations thereof.

37. (Previously Presented) The composition as claimed in claim 27, further comprising at least one substance selected from the group consisting of the phosphites, antioxidants, beta-dicarbonyl compounds or their calcium, magnesium or zinc salt, plasticizers, fillers, lubricants or pigments or mixtures thereof.

38. (Previously Presented) The composition as claimed in claim 27, comprising chalk as filler.

39. (Previously Presented) The composition as claimed in claim 27, comprising calcium stearate or magnesium laurate and/or magnesium stearate as further additive.

40. (Previously Presented) The composition as claimed in claim 27, comprising titanium dioxide or zirconium dioxide or barium sulfate or combinations thereof as pigment.

41. (Previously Presented) The composition as claimed in claim 27, further comprising at least one polyol or a disaccharide alcohol or a trishydroxyalkyl isocyanurate ester or combinations thereof.

42. (Previously Presented) The composition as claimed in claim 27, further comprising at least one glycidal compound.

43. (Previously Presented) The composition as claimed in claim 27, further comprising at least one zeolite compound, in particular an Na-A or an Na-P zeolite of low particle size.

44. (Previously Presented) The composition as claimed in claim 27, further comprising at least one layered lattice compound (hydrotalcites).

45. (Previously Presented) The composition as claimed in claim 44, further comprising at least one perchlorate compound.

46. (Previously Presented) The composition as claimed in claim 43, further comprising at least one perchlorate compound.

47. (Previously Presented) The composition as claimed in claim 27, further comprising at least one perchlorate compound.

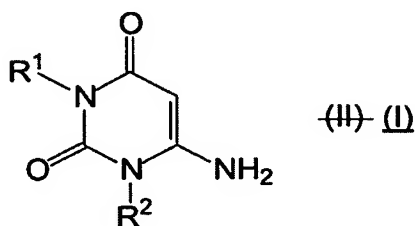
48. (Previously Presented) The composition as claimed in claim 27, comprising as chlorinated polymer a recyclate containing at least one percent by weight of recycled polymer.

49. (Previously Presented) A method of stabilizing a chlorinated polymer, comprising incorporating at least one compound of the formula I as claimed in claim 27 into the chlorinated polymer.

50. (Previously Presented) A method for stabilizing halogenated polymers, comprising using compounds of the general formula I as claimed in claim 27.

51. (Previously Presented) A method for stabilizing recycled halogenated polymers, comprising using compounds of the general formula I as claimed in claim 27.

52. (Currently Amended) Monosubstituted 6-aminouracils of the formula ~~II~~ I



wherein

one of R^1 or R^2 is C_3 - C_8 -cycloalkyl, C_4 - C_{10} - hydroxyalkyl or acetoxy/benzoyloxy- C_2 - C_{10} -alkyl and one of R^1 or R^2 is hydrogen.

53. (Currently Amended) Compound as claimed in claim 52, wherein one of R^1 or R^2 C_5 - or C_6 -cycloalkyl.

REMARKS

The claims pending in the application are 27-53. Claims 27 – 33 and 53-54, have been amended to more distinctly claim Applicants' invention. Support for the amendments to the claims can be found in the specification, e.g., page 1, line 22, and in Table 1 on page 37. No new matter has been introduced.

THE REJECTIONS

(1) The Examiner has rejected claims 27-53 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is respectfully submitted that the amendments to the claims have obviated this rejection. Reconsideration of this rejection is respectfully requested.

(2) The Examiner has rejected claims 27-53 under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious, over Wehner et al (USPN 6,274,654). This rejection is respectfully traversed.

Applicants' invention relates to monosubstituted 6-aminouracils and their use as stabilizers in compositions comprising a chlorinated polymer.

Wehner et al describe 1,3-di-substituted 6-aminouracils for stabilizing halogen-containing polymers. Wehner et al do not teach or suggest the use of monosubstituted 6-aminouracils.

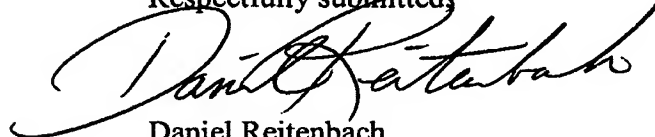
The use of monosubstituted 6-aminouracils in polymers has surprisingly superior results compared to the use of di-substituted 6-aminouracils in polymers.

Compare the initial results (YI-values) and the results after 15 minutes, of the use of Stabilizers 3-14 on page 38 of the present application to Examples A and B in Table 3 of Wehner et al.

Accordingly, it is respectfully submitted that Wehner et al do not teach or suggest Applicants' invention as claimed in claims 27-53. It is respectfully submitted that rejection of claims 27-53 under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious, over Wehner et al, is improper. Reconsideration of this rejection is respectfully requested.

In light of the foregoing, allowance of the present application is respectfully solicited.

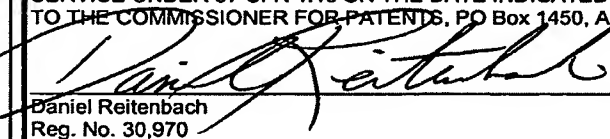
Respectfully submitted,



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DEPOSIT DATE <u>April 16 2008</u>	
I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, PO Box 1450, Alexandria, VA 22313-1450	
 Daniel Reitenbach Reg. No. 30,970	<u>4/16/08</u> DATE